

Appl. Ser. No. 09/650,323

Att. Docket No. 10746/20

Reply to Office Action of March 8, 2004

REMARKS

Claims 1 to 44 are canceled without prejudice, claims 45 to 58 are added, and therefore claims 45 to 58 are now pending.

Applicants respectfully request reconsideration of the present application in view of this response.

As regards paragraph three (3) of the Office Action, claims 1, 14, 23 and 36 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wentker et al., U.S. Patent No. 6,481,632, in view of Smith et al., U.S. Patent No. 6,233,685, and in further view of Vaeth et al., U.S. Patent No. 6,035,402, and in further view of Narasimhalu et al., U.S. Patent No. 6,058,383.

As to the obviousness rejections, to reject a claim as obvious under 35 U.S.C. § 103, the prior art must disclose or suggest each claim feature and there must be a motivation or suggestion for combining the features in the manner contemplated by the claim. (See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990)). Thus, the “problem confronted by the inventor must be considered in determining whether it would have been obvious to combine the references in order to solve the problem”, Diversitech Corp. v. Century Steps, Inc., 850 F.2d 675, 679 (Fed. Cir. 1998).

While the rejections may not be agreed with, to facilitate matters and to better clarify the claimed subject matter, claims 1 to 44, including claims 1, 14, 23 and 36, have been canceled without prejudice. It is therefore respectfully requested that the obviousness rejections be withdrawn as moot.

As regards paragraph four (4) of the Office Action, claims 2, 15, 24 and 37 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wentker et al., U.S. Patent No. 6,481,632, in view of Miettinen, and in further view of Vaeth et al., U.S. Patent No. 6,035,402, and in further view of Narasimhalu et al., U.S. Patent No. 6,058,383, and in further view of Lee et al., U.S. Patent No. 6,367,011.

While the rejections may not be agreed with, to facilitate matters and to better clarify the claimed subject matter, claims 1 to 44, including claims 2, 15, 24, and 37, have been canceled without prejudice. It is therefore respectfully requested that the obviousness rejections be withdrawn as moot.

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As regards paragraph five (5) of the Office Action, claims 3-5, 11-13, 16, 17, 19-21, 25-27, 33-35, 38, 39 and 41-43 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wentker et al., U.S. Patent No. 6,481,632, in view of "Smith" and in further view of "Miettinen", and in further view of Vaeth et al., U.S. Patent No. 6,035,402, and in further view of Narasimhalu et al., U.S. Patent No. 6,058,383, and in further view of Richards, U.S. Patent No. 6,385,723, and in further view of Everett et al., U.S. Patent No. 6,575,372.

While the rejections may not be agreed with, to facilitate matters and to better clarify the claimed subject matter, claims 1 to 44, including claims 3-5, 11-13, 16, 17, 19-21, 25-27, 33-35, 38, 39 and 41-43, have been canceled without prejudice. It is therefore respectfully requested that the obviousness rejections be withdrawn as moot.

As regards paragraph six (6) of the Office Action, claims 6, 18, 28 and 40 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wentker et al., U.S. Patent No. 6,481,632, in view of "Smith" and in further view of "Miettinen", and in further view of Vaeth et al., U.S. Patent No. 6,035,402, and in further view of Narasimhalu et al., U.S. Patent No. 6,058,383, and in further view of "Lee", and in further view of Takahashi et al., U.S. Patent No. 6,377,692.

While the rejections may not be agreed with, to facilitate matters and to better clarify the claimed subject matter, claims 1 to 44, including claims 6, 18, 28 and 40, have been canceled without prejudice. It is therefore respectfully requested that the obviousness rejections be withdrawn as moot.

As regards paragraph seven (7) of the Office Action, claims 7-10, 22, 29-32 and 44 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wentker et al., U.S. Patent No. 6,481,632, in view of "Smith" and in further view of "Miettinen", and in further view of Vaeth et al., U.S. Patent No. 6,035,402, and in further view of Narasimhalu et al., U.S. Patent No. 6,058,383, and in further view of "Everett", and in further view of Takahashi et al., U.S. Patent No. 6,377,692.

While the rejections may not be agreed with, to facilitate matters and to better clarify the claimed subject matter, claims 1 to 44, including claims 7-10, 22, 29-32 and 44, have been canceled without prejudice. It is therefore respectfully requested that the obviousness rejections be withdrawn as moot.

New claims 45 to 58 do not add any new matter, and are supported by the present application, including the specification and the Figures.

In particular, for example, claim 45 is based on Figures 3, 5 and 6 and their corresponding descriptions in the specification. Claim 46 corresponds to Figure 7, claim 47 corresponds to Figure 9, claim 48 corresponds to Figure 14, and claim 49 corresponds to Figure 15. The remaining claims are dependent claims thereof or are corresponding apparatus claims or are corresponding recording or computer medium claims.

The "Wentker" reference refers to a problem in that only the issuer of the card has been allowed to perform certain management functions of applications such as loading an application onto the card (column 1, lines 49-53). However, "Wentker" does not in any way disclose or suggest the claimed process sequence performed among the user apparatus, the data providing apparatus and the issuing apparatus in which each of the data providing apparatus and the issuing apparatus are certified by a certification authority, and the user apparatus is certified by the issuing apparatus that is certified. By issuing and receiving an authorization request and an authorization among the data providing apparatus, the issuing apparatus and the user apparatus that are certified, each apparatus can mutually agree to provide or delete data (application) in the user apparatus. Thus, by using the system of the presently claimed subject matter, either the data providing apparatus and the issuing apparatus can store or delete data in a user apparatus safely.

It is respectfully submitted that any review of the references relied upon makes plain that none of these references discloses nor suggests the claimed organized process sequence, as specifically recited in each of the independent claims. In addition, since the primary reference of "Wentker" does not disclose nor suggest any substantive feature of the presently claimed subject matter, none of the claims is obvious based on the references relied upon. Still further, there is no suggestion or motivation to combine or modify the many references relied upon so as to disclose or suggest the organized process sequence system, as with the presently claimed subject matter.

In summary, it is respectfully submitted that all of claims 45 to 58 of the present application are allowable at least for the foregoing reasons.

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CONCLUSION

In view of the foregoing, it is believed that the rejections have been obviated, and that claims 45 to 58 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,
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